



## Member Handbook

Public Employees Retirement System of Ohio  
221 East Town Street, Columbus, OH 43215-4642

[Ex. 141]

## **General Administration and Management**

### **PERS Office**

The PERS office is located at 277 East Town Street, Columbus, 43215-4642, in the central part of the city. You are welcome to come to the office, call us, or write with your questions. The office is open daily Monday through Friday from 8 a.m. until 4:45 p.m., except holidays, for your convenience. Free parking for visitors is available in our private parking lot. If you call for general information, the telephone number is (614) 465-2085. If you write, please remember to include your Social Security number and signature.

### **Retirement Board**

The Retirement Board of PERS is the governing body of the System. Its members are responsible for the administration and management of PERS. The nine-member Board meets monthly to review and formulate policies concerning the members, contributors, and benefit recipients of PERS, and the PERS office staff. The Board members also authorize the investments made with the System's funds. They receive no compensation for their service to PERS, but they are reimbursed for necessary expenses incurred while serving the System.

Six of the members are elected by the groups they represent—retirees, employers of the state, counties, municipalities, non-teaching employees of state colleges and universities, and miscellaneous employees.

In addition to the six elected members, three statutory members complete the Retirement Board. They are Ohio's Attorney General, Auditor of State, and Director of the Department of Administrative Services.

### **Election of Retirement Board Members**

The six elected members of the Retirement Board each serve a four-year term.

As prescribed by law, elections for county and miscellaneous employee representatives were held the first Monday in October 1993, and will be held the first Monday in October each fourth year thereafter. Board members to represent state and municipal employees, non-teaching employees of state colleges and universities, and retirees were elected on the first Monday in October 1994; future elections will be held on the first

Monday in October in each fourth year thereafter. Elected Board members take office at the January meeting of the Board following their election.

Any member of PERS, except one receiving a disability allowance, is eligible to run as an employee member to represent his/her employee group. The candidate must be nominated by a petition signed by at least 500 members of the employee group to be represented, with not less than 20 of these signatures coming from members in at least 10 different counties in the state. The candidate receiving the highest number of votes from eligible employee group voters is elected to the board.

Any retiree who is a resident of Ohio and who is a recipient of service retirement benefits or a disability allowance is eligible to seek election as the retiree representative on the PERS Board. A candidate for retiree representative is required to obtain a minimum of 250 retiree signatures, with not less than 10 of these signatures coming from retirees in at least five Ohio counties.

### **Staff**

The Retirement Board is responsible for the appointment of an Executive Director who is in charge of the day-to-day operation of PERS. Assistant Directors of Benefits Administration, Investments, Legal and Legislation, Data Information Systems, and the Controller assist the Executive Director with the operation of the System. An administrative and technical staff serves the contributors and benefit recipients in the areas of benefits, accounting, health care, communications, investments, and related activities.

### **Investments**

The System receives its funds from three main sources:

- 1) employee contributions
- 2) employer contributions, and
- 3) return on investments.

The monies are used to fund benefits and pay expenses of the System.

All funds are placed in income-producing investments which meet the requirements of Ohio law. Investment decisions are made by the Retirement Board on the recommendation of the System's professional staff and outside investment advisers.

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Each year a summary statement of PERS financial condition is contained in the "Report to Members" distributed with your statement of savings. A more detailed financial statement, the "Comprehensive Annual Financial Report", is prepared for limited distribution to public officials and other interested parties. This comprehensive report is based on audited records and includes a list of specific investments. Currently the PERS portfolio exceeds \$30 billion.

### **Communications**

In addition to this handbook, PERS publishes a series of informational leaflets which are available upon request from the Retirement System office. They are:

- 1) Applying for Retirement Benefits
- 2) Estimating Retirement Benefits
- 3) Service Credit
- 4) Survivor Benefits
- 5) Disability Benefits
- 6) Elected Officials
- 7) Law Enforcement Officers
- 8) Health Care Benefits

A quarterly Newsletter is sent to you at your home. It is intended to keep you up-to-date on current legislation involving PERS and it addresses issues concerning the System and its operation. To ensure receipt of the Newsletter, be certain we are notified, over your signature, of any change in your mailing address.

### **Member Relations**

Interviewers are available weekdays during business hours at the Retirement System office to provide you with complete information about the System and the retirement law. They will assist you in completion of the various forms and applications needed to apply for benefits or to update your record.

Field representatives from the Retirement System are available to talk with member groups of 25 or more throughout the state. With a slide show, question and answer sessions, and publications, they highlight the various services PERS provides to its active members and benefit recipients. Interviews with members also can be scheduled before or after these meetings. Have your employer contact the PERS office, at least 30 days in advance, to arrange to have a speaker attend a meeting.

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## **Membership**

### **Eligibility**

All employees who are paid in whole or in part by the state of Ohio, a county, municipality, or any other political subdivision of state or local government in Ohio must become members of PERS unless they are covered by another state retirement system in Ohio or by the Cincinnati Retirement System. Membership for elected officials is optional, see page 39.

### **Exemption**

Students working for the public school, college, or university they are attending may be exempt from contributing to PERS by filing a request for exemption within the first month of employment. At a later date, this service may be purchased. See page 11.

### **Exclusions**

The following individuals are ineligible for membership:

- 1) Inmates of state correctional institutions.
- 2) Patients in hospitals operated by the Departments of Mental Health or Mental Retardation.
- 3) Patients in the Ohio Veterans Home and residents of county homes.
- 4) Elected officials of public employees who have no employees subject to PERS coverage.
- 5) Employees of temporary help services who perform services for public employers.
- 6) Individuals serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or other similar emergency.
- 7) Persons employed under the federal Job Training Partnership Act.
- 8) Employees of private contractors except public employees transferred with previously publicly-operated functions and performing the same duties as before.
- 9) Individuals performing services under a contract as an independent contractor.
- 10) Election workers who earn less than \$500 per calendar year.
- 11) Firefighters except those who were members before Aug. 3, 1992 and elected to remain members.

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### Personal History Record

At the beginning of public employment, a new member of PERS is required to file a Personal History Record (A). The form must be completed in detail including the correct name, Social Security number, date of birth, and names of members of the immediate family and parents, and their dates of birth.

### Contributions

#### Employee Contributions

As a member of PERS you are required to make contributions to the System through payroll deductions. The current contribution rate is 8.5 percent of earnable salary. Members in the law enforcement division pay 9.0 percent. These contributions are credited to your savings account. A statement of savings of your account as of the previous December 31 is mailed to you during the first quarter of each year.

Federal tax law makes it possible for your employer to pay (pick up) employee contributions to PERS. This enables employers to designate employee contributions picked up by the employee as an employer contribution. (Refer to Tax Liability in the Refund section of this handbook, page 35, for more information.)

#### Employer Contributions

Employers are required to make contributions to the System on the basis of a percentage of reportable payroll. Penalties and interest are added for late payments. The contribution rate for state employers is 13.31 percent; for local employers, 13.55 percent; and for employers in the law enforcement division, 16.70 percent.

#### Earnable Salary

Under Ohio law contributions are made on an employee's "earnable salary." Not all compensation is considered earnable salary. The following are examples of what compensation may be included or excluded for purposes of contributions to the Retirement System.

Earnable salary includes amounts such as salary, wages, pay for sick or vacation leave used or converted in the year earned (except for state employees), pay for overtime worked or converted in the year earned, or longevity supplements.

Earnable salary does not include employer-paid amounts for insurance, reimbursement for job-related

expenses, leave or overtime hours earned previously but converted in the current year, amounts paid as part of an agreement to retire, or incidental benefits such as cars.

### Service Credit

A member's service credit after Jan. 1, 1935 is based on all service for which contributions to PERS were taken from earnings. Service credit is calculated on a calendar year basis, Jan. 1 through Dec. 31. You cannot receive more than one year of service credit for any calendar year even though employed concurrently on more than one public job. Neither can you receive a full year of service credit if length of employment or earnings per month indicate less than full-time service. Earnings of \$150 or more per month are counted as full-time employment through Dec. 31, 1984. Earnings of \$250 or more per month produce full-time credit beginning Jan. 1, 1985.

In addition to contributing service credit, you may obtain credit for other types of service as described below. You should contact PERS for the proper forms needed to obtain the credit.

### Free Service Credit

**Military Service** - Up to 10 years of free service credit may be granted a member who, after at least one year of PERS contributing service, left public employment for active duty in the armed forces and returned to a position covered by PERS, the State Teachers Retirement System (STRS), the School Employees Retirement System (SERS), the Police and Firemen's Disability and Pension Fund (PDPF), or the State Highway Patrol Retirement System (HPRS) within two years after discharge. A member must establish one year of service credit upon returning to public employment and must furnish a copy of the discharge or separation notice from the armed forces.

**Workers' Compensation** - Members may be eligible to claim service credit for a period of up to three years, during which they were off the payroll because of an injury for which a weekly award through Workers' Compensation was received. A member's claim number and a record from the Bureau of Workers' Compensation of this fact must be submitted as proof.

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## UNIVERSITY OF CINCINNATI

### SUMMARY OF BENEFITS

### OCCUPATIONAL HEALTH RESIDENT

The following is a summary of employee benefits based on full-time employment. Coverage under Choice Benefits will begin on the first day of the month after 28 days of employment have been completed. For detailed information and interpretation of any benefits, refer to the appropriate policy and procedure, or contact a Benefits Counselor in University Human Resources at (513) 356-6381.

You may select coverage for yourself and your eligible family members at no cost to you. Your eligible dependents are the following:

- Your spouse
- Your unmarried dependent child(ren) under age 19
- Your unmarried dependent child(ren), age 19 to 23, who is a full-time student and your IRS dependent
- A child dependent under IRS rules who became disabled by mental retardation or physical handicap before age 19 or before coverage would normally end.

### MEDICAL COVERAGE

#### OPTION 4 - United HealthCare ALLCARE Network (HMO)

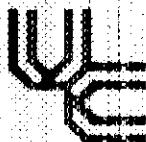
This plan is a health maintenance organization which contracts with certain doctors and facilities to provide medical services. To receive any HMO benefits you must follow these guidelines:

1. You must choose an HMO primary care physician for yourself and each covered family member.
2. If you use a physician or facility that is not approved by the HMO, benefits will not be paid except in a true emergency, provided you notify the plan within 24 hours.

If these guidelines are followed, your copayment for most services is \$3.00 for each

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University of Cincinnati



Darlington Amadasu

October, 1998

Dear University of Cincinnati Employee:

This letter is to introduce the new Ohio Alternative Retirement plan (ARP) at the University of Cincinnati. You are eligible if you are a full-time (100% FTE) faculty or exempt, monthly paid employee, and have less than five years of service credit with the applicable State Retirement System as of June 30, 1998 or have a hire date at the University on or after June 24, 1998 in a full time (100% FTE) faculty or exempt, monthly paid position. You can choose to either change to the ARP or stay with your current State Retirement Plan (Public Employees Retirement System (PERS) or State Teachers Retirement System (STRS)). This decision will affect your retirement income and cannot be changed while you are employed at the University.

This packet contains more detailed information to help you make a decision on your continued retirement coverage. The packet contains the following:

- **STRS/PERS Retirement Plan Election Form** – You must complete this form whether you are choosing to remain with your current State Retirement plan or to change to the Alternative Retirement Plan. Please review the form carefully and do the following:

- **If you choose to remain with your current State Retirement plan** – Complete Sections I and II of the STRS/PERS Retirement plan Election Form and return the form to the University Benefits Office at:

**ML 0099**

or

**3333 Vine Street, Suite 402**

**PO Box 210099**

**Cincinnati, OH 45221-0099**

\*\*Election forms must be received by the deadline date noted on your form.

**Benefits**

Division of Student Affairs/Human Resources  
University of Cincinnati  
PO Box 210099  
Cincinnati OH 45221-0099  
Phone (513) 556-6381  
Fax (513) 556-4501

STRS/PERS

RETIREMENT PLAN ELECTION FORM  
New Employee

You will have 90 days from the starting date of your employment to complete and return this election form to the Human Resources Department. If you wish to become a member of an Ohio state retirement system, simply check the box in Section II below. If you wish to participate in an alternative retirement plan (ARP), select one plan from Section III below. If you do not elect to participate in the ARP or do not return this form within the prescribed time period, you will be enrolled in the applicable state retirement system.

## Section I - Biographical Information (Please print)

Name DARLINGTON, O. AMANDA  
 Middle initial S  
 Address 2650 WENDELL DR. #2303  
CINTI, OH 45238

Social Security No. 123-34-5678Telephone No. (513) 362-7542Date of Birth 01/01/49 Sex WDate of Hire 7/1/93Last date of employment at an Ohio public institution of higher education was 02/01/95My last date of employment at an Ohio public institution of higher education was 02/01/95

Am I receiving a benefit, allowance or other payment from STRS, SERS, or PERS?

 Yes  No

If "yes," which system?

If yes, you are not eligible to participate in an alternative  
retirement plan.

## Section II - Ohio Retirement Plan Election

 I elect to participate in the state retirement system.

## Section III - Alternative Retirement Program Election

 I elect to participate in an ARP. (Select only one of the following ARP providers.)

- Actna Life Insurance and Annuity Company
- The Equitable Life Assurance Company
- Great American Life Insurance Company
- Lincoln National Life Insurance Company
- Metropolitan Life Insurance Company

To officially enroll in the ARP, you must submit an enrollment form to the Ohio Retirement Fund Commission or the Ohio State Auditor's Office.

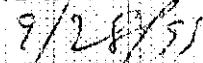
I understand that by signing this election to participate in an ARP, I am irrevocably waiving (following the end of the enrollment period) my right to participate in any state retirement system while I am continuously employed\* by an Ohio public institution of higher education.

I understand that by signing this election to participate in the state retirement system, I am irrevocably waiving (following the end of the enrollment period) my right to participate in an ARP while I am continuously employed\* by an Ohio public institution of higher education.

I understand that I will be able to make an election to participate in an ARP or an Ohio public retirement system if I cease to be continuously employed\* and am subsequently employed full time by an Ohio public institution of higher education in a position for which an ARP is available. I understand that by electing to participate in an ARP, I will be forever barred from claiming or purchasing service credit under any state retirement system for the period that an election to participate in an ARP is effective.



Employee's Signature



Date

## PLEASE RETURN TO THE HUMAN RESOURCES DEPARTMENT

Do not complete. To be completed by office personnel.

Applicable state system

 STRS PERS

Date received

Current annual salary

Received by

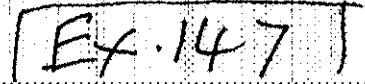
Certified by

Title

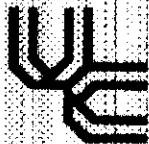
University/college

FORM DUE BY SEP 28 1995

\*Continuously employed means that no more than one year intervenes between each period of employment by an Ohio public institution of higher education in a position for which alternative retirement programs are available.



## University of Cincinnati



### Benefit

Division of Student Affairs & Human Resources

### University of Cincinnati

PO Box 210099

Cincinnati OH 45221-0000

Digitized by srujanika@gmail.com

Phone (513) 558-6381

**STRS/PERS/ARP RETIREMENT PLAN**  
**Confirmation of Election**

DARLINGTON AMADASU 2680 Wendee Drive, #2303 Cincinnati, OH 45238	SSN:	EFFECTIVE DATE OF ELECTION: 07/01/99
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We have received your Retirement Plan Election Form requesting continued participation in the state retirement plan in which you are presently enrolled (PERS).

We have received your Retirement Plan Election Form requesting a change in your retirement plan from PERS to the company indicated below.

you can't afford to wait for your software to be delivered. If you have a problem, you can't afford to wait for your vendor to respond directly.

<input checked="" type="checkbox"/>	Aetna Life Insurance and Annuity Company	1-800-451-4702
<input type="checkbox"/>	The Equitable Life Assurance Company	1-800-551-2423
<input type="checkbox"/>	Great American Life Insurance Company	1-888-277-8946
<input type="checkbox"/>	Lincoln National Life Insurance Company	1-800-454-6265
<input type="checkbox"/>	Metropolitan Life Insurance Company	1-800-282-1768
<input type="checkbox"/>	Nationwide Life Insurance Company	1-800-448-7526
<input type="checkbox"/>	TIAA/CREF	1-877-277-6446
<input type="checkbox"/>	Variable Annuity Life Insurance Company (VALIC)	1-800-448-2542

This election to either remain in the state retirement system or waive your right to participate in the state retirement system and enroll in an Alternative Retirement Plan is irrevocable while continuously employed in an eligible position at the University of Cincinnati.

**Signature of Benefits Representative**

June 1988

Date

October 7, 1999

### An affirmative action/equal opportunity institution

Ex. 148

P. O. Box 6263  
Cincinnati, OH 45206  
10/4/04

Justin D. Flamm  
Baft, Stenius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, OH 45202

Re: Arpadaszu v. Donovan

On 7/16/04 plaintiff made good faith disclosures by sending you copies of documents relevant to this case but you failed to reciprocate in good faith. Pursuant to Rule 26(a)(1)(B) you have a duty and obligation to produce to plaintiff copies of documents that are in your and/or your clients' possession, custody or control, which you stated in your Rule 26(a)(1) disclosure but you failed to comply with the rule.

The court clerk had entered 'entry of default' against your clients for failure to answer the amended/supplemented complaint thus, they are foreclosed or barred from further litigation of this case and your discovery is also foreclosed or moot by your clients' default and ongoing entry of default against them.

Sincerely,



Darlington Arpadaszu

CC: Ramiro Canales

(Ex. 14-9)

BY FAX:

P.O. Box 6263  
Cincinnati, OH 45296  
10/11/04

Justin D. Flamm  
Taft, Stettinius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, OH 45202

Ramiro Canales  
Attorney General of Texas  
P.O. Box 78711  
Austin, TX 78711

**Re: Amadasu v. Donovan; & DEMAND YOUR COMPLIANCE WITH RULE 26(a)(1)(B) & (D)  
DISCLOSURES:**

On 7/16/04 in compliance with Rule 26(a)(1)(A & B) I send you list of names of persons and entities likely to have discoverable materials, documents and things, and copies of documents relevant to this case but you failed to reciprocate in good faith. I hereby supplement by disclosing damages computation pursuant to Rule 26(a)(1)(C). Damages for emotional distress are susceptible to computation under this rule.

In response to 10/6/04 Justin D Flamm's letter, Mr Flamm's assertion that Rule 26 explicitly provides that copies of the documents need not be produced with the initial disclosures is grossly incorrect. Mr Flamm instead, misinterpreted and misapplied Rule 26 Initial Disclosure requirements. It may appear that Mr Flamm is confusing subsection (E) with subsection (E) of Rule 26(a)(1).

Rule 26(a) mandates "Required Disclosure; Method to Discover Additional Matter"

Rule 26(a)(1) provides: Initial Disclosure: Except in categories of proceedings specified in Rule 26(a)(1)(E), or to the extent otherwise stipulated or directed by order, a party must, without awaiting a discovery request, provide to other parties a copy of, or description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment pursuant to Rule 26(a)(1)(B). You do not need the Supreme Court of the United States Justices to interpret the plain meaning of the plain language of this Rule 26(a)(1) and Rule 26(a)(1)(B) read together.

Thus, Rule 26(a)(1) read together with Rule 26(a)(1)(B) provides that you or your clients must produce to me during the initial disclosure all documents, materials and things (except those for impeachment purposes) that are in your or your clients' possession, custody, or control that you all (Ohio and Texas defendants combined) failed to comply with these requirements. You are professional lawyers presumed to know the laws and the rules but you are deliberately misreading, misapprehending and misinterpreting the rules carelessly and intentionally to avoid your duties, obligations and responsibilities imposed by the rules and your clients produce the documents to me.

I hereby asserting in that you and your clients have duty, obligation and responsibility to produce and must produce to me without further delay copies of documents that are in your and or your clients' possession, custody or control, which you stated you have in your Rule 26(a)(1) initial disclosure but you failed to produce them.

Your or your clients' initial disclosures are not in compliance with the explicit requirements of Rule 26(a)(1), Rule 26(a)(1)(B), and Rule 26(a)(1)(D) read together. These Rules explicitly mandate that you or your clients must produce to me all documents in your possession, custody, or control (s) as well as (c) client's liability or indemnification insurance agreement(s).

You must not expose me on any documents, materials or things, which you have failed to produce to me before deposition date. Your producing any of the documents on the day of deposition shall constitute prejudicial surprise, ambush, and sandbagging.

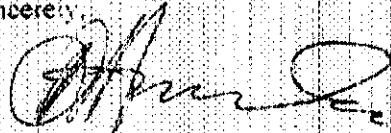
EX-150

You or your client must produce to me before or on October 15, 2004 all the documents in your possession, custodies or control that are relevant to this case and which you will use in defense of this action so as to avoid my motion for protective order and to compel and for sanctions. You may avail yourselves of the provisions of Rule 26(e)(1) to supplement and/or fully comply with Rule 26.

This is my ongoing extra-judicial good faith effort to make you comply fully and completely with the requirements of Rule 26. You must read, understand, comprehend and fully comply with the requirements of the Rules. You are already in violation of the rule thus you or your clients are subject to Rule 26(g) and 37 sanctions.

In summary, Rule 26(a)(1) requires disclosure of information and documents that the disclosing party may use to support its claims or defenses thus requires automatic initial disclosure of four categories of information: (A) Witnesses; (B) Documents; (C) Damages Computations; and (D) Insurance. You have failed to comply with (B) and (D).

Sincerely,



Darlington Amadasu

DATE	TIME	FAX NC. / NAME	TRANSMISSION	PAGE(S)	DETAIL	COMMENT
8/18/01	10:45:47	3816265 181/2004	LSI/2004	83 87	OK	TX ECM
8/18/01	10:45:47	3816265 181/2004	LSI/2004	83 87	OK	TX ECM

NAME : **DAE**  
FAX : **444-158417**  
SER. # : **10/12/2004 16:45**

**ACTIVITY REPORT**

**Ex. 150g**